

Malibu City Council
AMENDED¹ Regular Meeting Agenda

Monday, December 9, 2002

5:30 P.M. - CLOSED SESSION
City Hall - Large Conference Room
23815 Stuart Ranch Road

6:30 P.M. - REGULAR CITY COUNCIL MEETING
HRL Auditorium
3011 Malibu Canyon Road

Five-thirty p.m. Closed Session

This time has been set aside for the City Council to meet in a closed session to discuss matters of pending litigation pursuant to Government Code Sections 54956.9(a), 54956.9(b), 54956.9(c), 54957.6 and 54956.8. Based on the advice of the City Attorney discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the closed session at the beginning of the next regular City Council meeting.

Public Comment on Closed Session Items

Existing litigation per Government Code Section 54956.9 (a):

1. Cher v. City of Malibu
Los Angeles County Superior Court Case No. SS10632
2. Chicksands Properties LTD. v. City of Malibu et al.
Los Angeles County Superior Court Case No. BS072081
3. City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)
Los Angeles County Superior Court Case No. BC230410
4. City of Malibu v. California Coastal Commission / TLC / Liebig (Referendum)
Los Angeles County Superior Court Case No. SS011355
5. City of Malibu v. California Coastal Commission
Los Angeles County Superior Court Case No. SC074641
6. City of Malibu v. Santa Monica Mountains Conservancy (Streisand Center)
Ventura County Superior Court Case No. CIV193900
7. Darian v. Accent Builders et al.
United States District Court Case No. 00-10255-FMC(JWJ)
8. Keach v. City of Malibu
Los Angeles County Superior Court Case No. SS009723
9. Land Use Preservation Defense Fund v. California Coastal Commission (LUP/City is Real Party in Interest)

1 See new Closed Session Items 20 and 21

See revision to Item 5.B. continuing the item to January 13, 2003

See new Council Item 7.A.

Los Angeles County Superior Court Case No. SS011388

10. Marine Forest Society v. California Coastal Commission Case No. 00AS00567 (Sacramento Superior Court) (Amicus)
11. Rubens v. City of Malibu
Los Angeles County Superior Court Case No. SC060331
12. Sprint v. City of Malibu et al
United States District Court Case No. SACV02660 DOC (MLGx)
13. Sweeney et al v. California Coastal Commission (LCP/City is Real Party in Interest)
Los Angeles County Superior Court Case No. SS011387
14. Taxpayers for Livable Communities; Jay Liebig v. City of Malibu
Los Angeles County Superior Court Case No. BC258432
15. Taxpayers for Livable Communities; Jay Liebig II v. City of Malibu
Los Angeles County Superior Court Case No. BS0735585
16. Taxpayers for Livable Communities, Povah, et al. v. City of Malibu
Los Angeles County Superior Court Case No. BS072794

Initiation of Litigation pursuant to Government Code Section 54956.9(c):

17. Number of cases: 2

Conference With Legal Counsel – Anticipated Litigation pursuant to Government Code Section 54956.9(b):

18. Number of Cases: 1

Conference with Labor Negotiators pursuant to Government Code Section 54957.6:

19. Unrepresented employee: City Treasurer

Real Estate negotiation matters pursuant to Government Code Section 54956.8:

2. *Property located at: 3731 Las Flores Canyon Road*
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Jack Willis
3. *Property APN: 4458-018-002, 018, 019*
City Negotiator: City Manager Lichtig or designee
Property Negotiator: Roy E. Crummer

Six-thirty p.m. Regular Session

Public Hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Approval of Agenda

Report on Posting of Agenda – November 27, 2002; *Amended Agenda - December 6, 2002*

1. Ceremonial/Presentations

A. Swearing in of Mobilehome Park Rent Stabilization Commissioners

2. Written and Oral Communications from the Public

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda. (The Council will allow public comments on the Malibu Local Coastal Program (LCP) certified by the California Coastal Commission on September 13, 2002, although response from the Council may not occur until the Agenda Item is heard.)

B. City Council Subcommittee reports/Mayor and Councilmember reports and inquiries.

3. Consent Calendar

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 243 Amending the Storm Water and Urban Runoff Pollution Control Ordinance to Provide Storm Water Pollution Control for Planning and Construction of New Development and Redevelopment Projects and Amending and Supplementing the Malibu Municipal Code

This ordinance amends the Municipal Code to fulfill the requirements of the new National Discharge Elimination System (NPDES) permit.

Staff recommendation: Conduct second reading, unless waived, and adopt Ordinance No. 243.

Staff contact: City Engineer / Acting Public Works Director Morgan, 456-2489 ext. 247

B. New Items

1. Waive further reading

Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

2. Approve Warrants

Staff recommendation: To allow and approve warrant demand numbers 20671 through 20799 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 274 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$813,478.62 including ADP payroll voucher numbers 497588-497601.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 relating to the Landslide Road Failure at Corral Canyon

As a result of the rainstorms in early March 2001, landslides impaired Corral Canyon Road, forcing its partial closure and creating a condition dangerous to the public health and safety. This action would extend the state of local emergency declared as the City responds to the situation and attempts to repair the area.

Staff recommendation: Re-affirm the State of Local Emergency by minute order.

Staff contact: City Manager Lichtig, 456-2489 ext. 226

4. Annual Audit Report and Management Letter for Fiscal Year 2001-02

The City's annual audit for fiscal year 2001-02 was completed in October. The Comprehensive Annual Financial Report is hereby submitted to the City Council.

Staff recommendation: Receive and file report.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

5. Council Authorization for the Director of Building Safety to Negotiate, Sign and Execute a Contract with the State Water Quality Control Board for a Clean Beaches Initiative Grant Fund Project (Proposition 13)

The Council previously authorized the Director of Building Safety to negotiate, sign and execute a contract on behalf of the City. State Regional Water Quality Control Board is now requesting this authorization in the form of a resolution.

Staff recommendation: Adopt Resolution No. 02-49 authorizing the Director of Building Safety (City Manager's designee) to negotiate and execute a grant contract along with any amendments and to certify grant invoices on behalf of the City.

Staff contact: Building Official Peterson, 456-2489 ext. 251

6. Acceptance of Public Information and Education (PIE) Grant for Las Flores Park

In January 2002, the City Council approved the application for a Public Information and Education grant from the Santa Monica Bay Restoration Project (SMBRP) for work with children from the Odyssey School at the Las Flores Creek restoration site. The City has received word that the grant has been approved and staff is currently working out details with the SMBRP as the granting agency and with Odyssey School and Heal the Bay for implementation of the project.

Staff recommendation: Approve acceptance and implementation of Public Information and Education (PIE) grant from the Santa Monica Bay Restoration Project (SMBRP) and authorize staff to execute related agreements.

Staff contact: Parks and Recreation Director Adams, 456-2489 ext. 225

7. Design and Project Management Contract for Zumirez Drive Realignment Project

This item approves a contract with CBM Consulting, Inc. for the design and project management of the Zumirez Drive Realignment Project which will align the intersection of Pacific Coast Highway with Zumirez Drive north side and south side.

Staff recommendation: Authorize the City Manager to execute professional services agreement with CBM Consulting, Inc. to prepare plans and specifications and project management services through construction of the Zumirez Drive Realignment Project.

Staff contact: Acting Public Works Director Morgan, 456-2489 ext. 247

8. Resolution of Intent to Initiate Zoning Text Amendment Regarding Wireless Telecommunications Antennas and Facilities

Staff is requesting the City Council to initiate a Zoning Text Amendment to amend the Interim Zoning Ordinance to incorporate changes to the Wireless Telecommunications Ordinance drafted and recommended by the Public Works Commission.

Staff recommendation: Adopt Resolution No. 02-50 initiating the Zoning Text Amendment (ZTA) regarding wireless telecommunications antennas and facilities.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

4. Ordinances and Public Hearings

This portion of the agenda is for ordinances and for advertised hearing items where formal public testimony on each item is received prior to City Council action; the public hearings will begin at 6:30 p.m., or as soon thereafter as possible, but in no event later than 7:30 p.m.

A. Award of Community Development Block Grants for FY 2003-04

The Community Development Block Grant program provides funding for programs servicing residents of low and moderate income levels. The City Council must allocate funding for the 2003-04 fiscal year by January 1, 2003.

Staff recommendation: Consider alternatives and award the Community Development Block Grant (CDBG) funds for public service programs in the 2003-2004 fiscal year.

Staff contact: Administrative Services Director James, 456-2489 ext. 224

B. Appeal No. 02-006 – An Appeal of the Planning Commission’s Resolution No. 02-17 Conditionally Approving Plot Plan Review 00-129 and Site Plan Review 00-083 for the Construction of a New Two-Story Single-Family Bluff-Top Residence Above the Base 18-Feet in Height. The City Council will Consider the Level of Impact to Public and Private Views of the Pacific Ocean and Consistency with the General Plan Land Use Policy 1.1.5, Land Use Implementation Measure 8 and Land Use Implementation Measure 28. Appellant: Patt Healy and/or Malibu Coalition for Slow Growth; Applicant: Barsocchini & Associates; Owner: Arthur and Kimberly Silver; Location: 24950 Pacific Coast Highway

This item was continued at the November 12, 2002 City Council meeting in order for staff to obtain a revised set of plans with a maximum height of 24 feet and to assess blue water view obstruction pursuant to Coastal Commission staff's direction.

Staff recommendation: Adopt Resolution No. 02-38 denying Appeal No. 02-006 and approving Plot Plan Review No. 00-129 and Site Plan Review No. 00-083 at a maximum of 24 feet in height for a portion of new two-story single-family bluff top residence.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

- C. GENERAL PLAN AMENDMENT NO. 02-002; ZONING MAP AMENDMENT NO. 02-002; NEGATIVE DECLARATION NO. 02-003 An Amendment to the Malibu General Plan Land Use Map from Rural Residential - 20 to Rural Residential - 5, and an Amendment to the Malibu Zoning Map from Rural Residential - 20 to Rural Residential - 5, on 68 Acres and Open Space Dedication of 57 Acres along the Northside of Latigo Canyon Road, Approximately 4,000 feet North of the Latigo Canyon/Pacific Coast Highway Intersection. APPLICANT: City of Malibu; SETTLEMENT: George J. Rubens, as trustee of the George J. Rubens and Yvonne M. Rubens Family Trust, et al, and the City of Malibu; LOCATION: Northside of Latigo Canyon Road; GROSS ACREAGE: 68 acres

Staff has requested that the National Park Service provide a written confirmation of their willingness to accept the 57-acre donation of land from the Rubens Family Trust. Staff has not yet received such confirmation. Upon receipt of this written confirmation, this item will be re-noticed and brought back for City Council consideration.

Staff recommendation: Remove this item from the Council agenda until Rubens Family Trust and the National Park Service (NPS) reach a tentative agreement.

Staff contact: Planning Director Purvis, 456-2489 ext. 234

5. Old Business

- A. Comprehensive Local Coastal Program (LCP) Application – Review of ESHA and Marine/Land Resources Provisions (Section 2 of 6)

The City Council has undertaken an effort to prepare a revised Local Coastal Program (LCP). This item presents the second portion of the Land Use Plan (LUP) including Chapter 3 (Marine and Land Resources) and the Local Implementation Plan (LIP) Chapters 4 (ESHA Overlay), 5 (Native Tress Protection) and 11 (Archeological/Cultural Resources). Additionally, proposed changes to the General Plan which would create consistency between the LUP, LIP and the General Plan are presented for City Council consideration.

Staff recommendation: Consider potential modifications to the City's General Plan and to the September 2002 LCP and provide direction to the consultant for preparation of the LCP application.

Staff contact: Planning Director Purvis, 456-2489 ext. 243

- B. Presentation of Vision 2020 Proposal

Continued to January 13, 2003.

Staff contact: City Manager Lichtig, 456-2489 ext. 226

C. Summary of Traffic Program and Options for Speed Control on Pacific Coast Highway

In response to the recent fatal collision involving a pedestrian along Pacific Coast Highway in Malibu, the City Council requested staff work with the Public Safety Commission to evaluate options for decreasing speeds on Pacific Coast Highway. Staff has evaluated enforcement, engineering and educational options to address this confounding issue.

Staff recommendation: Consider the options presented and provide policy direction to staff on measures to implement to reduce speeds on Pacific Coast Highway including use of modified enforcement techniques, a decoy car, laser radars and speed trailers.

Staff contact: City Manager Lichtig, 456-2489 ext. 228

6. New Business

7. Council Items

- A. Request of Mayor Pro Tem Kearsley to direct staff to draft and send a letter of support to Supervisor Yaroslavsky regarding the Trancas Sewer Rehabilitation Project

Adjournment

Future Meetings

Mon., December 23, 2002		Regular City Council Meeting	CANCELLED
Mon., January 13, 2003	6:30 p.m.	Regular City Council Meeting	HRL
Mon., January 27, 2003	6:30 p.m.	Regular City Council Meeting	HRL

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the City Council. No action may be taken under this section except to direct staff unless the Council, by a two-thirds vote, determines that the need to take action arose after the posting of the agenda or that the item presents an emergency situation for which action is required prior to the next regularly scheduled meeting of the City Council. Although no action may be taken on these non agenda items, the Council and staff will follow up on those items needing response. Each speaker is limited to (3) three minutes. Time may be surrendered by deferring (1) one minute to another speaker, on the same item, not to exceed a total of (8) eight minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available at the Chamber doors). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar and will be considered individually. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from Consent Calendar will be taken up by the Council following the action on the consent calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers are limited to (3) three minutes each. If a speaker slip is submitted late the speaker's time will be limited to (2) minutes. If more than 10 speaker slips are submitted each speaker's time will be limited to (2) two minutes each.

Items set for Public Hearing commence at 7:30 p.m. or as soon thereafter as practical. At that time the City Council will stop its other proceedings and move directly to Public Hearing items. At the conclusion of Public Hearings the City Council will continue the agenda where it left off. For Public Hearings involving zoning matters the appellant will be given 15 minutes to present their position to the City Council, including rebuttal time. All other testimony shall be limited to (3) three minutes per person and follow the rules as set forth under Oral Communication.

Items in Old Business are items which have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

Items in New Business are items which are appearing for the first time for formal action. Public comment on any item is permitted under the public comment rules. Speakers should address whether they are supportive or opposed to either the recommended action or the motion before the City Council for decision.

City Council Items are items which individual members of the City Council may bring up in terms of reporting to other members of the City Council, to propose future agenda items or to suggest future staff assignments. Items discussed under City Council Items follow the same rules as set forth under Oral Communications in terms of the actions the City Council may take on any item brought up under this portion of the agenda. Each Councilmember's oral item presentations are limited to four minutes. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired on City of Malibu Government Access Channel 3. Broadcasts on Channel 3 occur at 8:00 a.m. and 8:00 p.m Monday, Wednesday and Friday, Tuesday and Thursday at 8:00 p.m., and at 2:00 p.m. on both Saturday and Sundays. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23815 Stuart Ranch Road, Malibu, California and are available for public inspection during regular office hours which are 8:00 a.m. to 5:00 p.m., Monday through Thursday and 8:00 a.m. to 4:30 p.m., Friday. Copies of staff reports may be purchased for \$0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting at the Malibu City Offices, Malibu Community Center at Point Dume and Malibu Community Library. The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Building & Safety Director Victor Peterson, (310) 456-2489, ext. 251. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 6th day of December 2002.

Lisa Pope, City Clerk